

April 8, 2020

Chief Carmen Best
Seattle Police Department
PO Box 34986
Seattle, WA 98124-4986

Dear Chief Best:

Please see the below Management Action Recommendation.

Case Number

- 2019OPA-0190 / 2020COMP-0007

Topic

- Sound Transit Response

Summary

- It was alleged that SPD did not properly dispatch or respond to an emergency involving a Sound Transit light rail train.

Analysis

- A passenger on a Sound Transit light rail train used a racial slur against one passenger and pepper sprayed another passenger, who was a juvenile. People made fourteen 911 calls requesting a police response. There were also seven calls between SPD and the King County Sheriff's Office (KCSO) regarding which agency was going to respond. In total, 45 minutes elapsed between the first 911 call and any law enforcement action. The failure of SPD to respond in a timely manner prevented any meaningful attempt to locate the suspect, provide timely medical aid to the juvenile victim, and interview witnesses.
- A Memorandum of Understanding (MOU) between KCSO and SPD dated February 24, 2015, states that Sound Transit Police have primary jurisdiction for incidents occurring on light rail trains. The MOU also states that "Nothing in this agreement is intended to eliminate the responsibility of the Seattle Police Department to respond to dispatch transit related calls for service within the city limits..."
- An SPD Communications Dispatcher Supervisor told OPA that no computer aided dispatch (CAD) event was generated for the incident, and that 911 call takers instead exercised their discretion to transfer the calls to KCSO based on the location of the incident. Per the supervisor, call takers were not required to generate a CAD event for the incident or notify a supervisor. Had either of these been done, a message could have been sent to all call takers advising of the incident, and call takers may have better understood the incoming volume of calls as well as the length of time that community members waited for a response.
- Call takers are generally the least experienced employees in the Communications Center at any given time. Additionally, on the date in question, the 911 call center had many new employees and acting supervisors. Based on this, the complexity and general language of the MOU, and the fact that the MOU information is not readily available or useful as a reference during an incident, the supervisor believed this incident could reoccur if SPD did not clarify the underlying policy and MOU.

Recommendation(s)

- Develop a policy in consultation with the Communications Center and KCSO that clearly articulates which agency has the primary responsibility of responding to incidents on light rail trains. This policy should:
 - Be documented in the SPD Manual and supersede the 2015 MOU.
 - Clearly state the responsibilities of call takers, supervisors, and sworn personnel.
 - Consider requiring the creation of a CAD event for serious criminal (i.e., violent and/or felony) incidents on light rail trains.
- Revisit the MOU with regional law enforcement partners and ensure that any new MOUs are consistent with SPD policy.
- Retrain relevant personnel once this policy has been created and the MOUs revisited and revised to prevent incidents such as this from happening again.
- In developing its policy, SPD should reference *SPD Policy 15.265 – SR99 Bore Tunnel Response* and its associated *Communications Center Policy and Procedures Manual Section 5.201 – SR99 Tunnel Responses* as an example of policy that clearly articulates the responsibilities of the involved entities.

Thank you for your consideration of this matter. I look forward to your response.

Sincerely,



Andrew Myerberg
Director, Office of Police Accountability